

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2546 OF 2005

Sandeep Prabodh Lakadwala

... Petitioner

Vs.

State of Maharashtra & Ors.

... Respondents

Mr. Helen Kohi i/b Mr. R.K. Mendadkar for the petitioner.

Mr. R.M. Sawant, G.P. for respondents 1 and 2.

**CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.**

DATED: 19TH DECEMBER 2005.

P.C.:-

1. We have heard the learned counsel for the petitioner and respondents 1 and 2. Respondents 3 and 4 have been served by the petitioner but none is representing them.

2. The grievance of the petitioner is that respondent 2 - Divisional Caste Certificate Scrutiny Committee, Konkan Division, Mumbai, has not disposed of his application pending before it, till date though a direction was given by the Division Bench of this court on 14/12/2004 in Writ Petition No.3288 of 2004 that the same should be disposed of within four weeks from 13/12/2004. By the said order, a direction was also issued that the hall ticket be issued to the petitioner to appear for the examination which was to be held on 14/12/2004.

3. On 14/12/2004, accordingly, hall ticket was issued to the petitioner and he was allowed to appear for the first semester of the Engineering Degree course. However, the statement of marks is not issued to the petitioner till date. Again in May, 2005, the petitioner was allowed to appear for the second semester of the first year Engineering Degree course held by respondent 3 University. However, the statement of marks is not issued to the petitioner till date. According to the petitioner, his father has made several visits to respondent 2 committee and requested for the caste validity certificate. However, till date, no decision is taken by respondent 2 committee. We are distressed to note that despite the order of this court, respondent 2 committee has not disposed of the petitioner's application. In the circumstances, considering the fact that we are dealing with a case of a student, whose statement of marks is withheld, we have no option but to extend the period for considering the application of the petitioner. Hence, we pass the following order:

ORDER

4. Respondent 2 is directed to decide the application of the petitioner for caste validity certificate within three months from today and communicate the result thereof to the petitioner. In the meanwhile, the respondents are directed to declare the result of the

petitioner provisionally. However, the petitioner will not claim any equity on the basis of this order.

5. The petition is disposed of in the aforestated terms.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)